IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.261/2002

Ashok Kumar & Raj Kumar
...defendant-appellants
Versus
Mahaveer Prasad S/o Shri Kishori Lal
...plaintiff-respondent
AND
Shankar Lal S/o late Shri Dwarika Prasad & Others
...proforma-respondents

Date of Order ::: 07.12.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Dr. Prakash Chandra Jain, Counsel for appellants
Shri J.P. Goyal, Counsel for respondent no.1
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By the Court:-

Heard learned counsel for the parties.

The plaintiff filed a suit for eviction, which was decreed by the lower court on the ground of personal bona-fide necessity. The judgment and decree passed by the lower court has been affirmed by the first appellate court also.

I have heard the learned counsel for both the parties and after considering their submissions in the light of the findings of both the courts below, I do not find any substantial question of law involved in this second appeal.

Apart from above, the learned counsel for the parties do not dispute that in pursuance of the execution of the impugned decrees the possession of the rented premises has also been handed over by the

executing court to the plaintiff-respondent.

There is no merit in this second appeal and the same is accordingly dismissed at admission stage itself with no order as to costs.

The learned counsel for the defendant-appellants submits that some goods, which were lying in the rented premises, were taken in the custody by the concerned court while executing the decree for eviction, therefore, the same may be ordered to be given to the appellants. It is needless to say that in case the contention of the learned counsel for the appellants is correct then the goods will be returned by the executing court to the appellants, if any request is made in this regard.

(Narendra Kumar Jain) J.

//Jaiman//